

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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MIGUEL A. SANTIAGO,

Index No.: _____

Date purchased: 5.25.2022

Plaintiff,

SUMMONS

-against-

Plaintiff designates BRONX
County as the Place of Trial

BRIAN D. BUTZ and VERIHA TRUCKING, INC.

Basis of venue: Place of occurrence


Defendants,
-----X

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after the service of this summons is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the complaint, together with the costs of this action.

Dated: Brooklyn, New York
May 25, 2022

Yours, etc.,



Nick Baniolov, Esq.
BANILOV & ASSOCIATES, P.C.
Attorneys for Plaintiff
2566 86th Street, Suite 3
Brooklyn, New York 11214
(718) 333-1002
File No.: 18696

DEFENDANTS' ADDRESSES:

BRIAN D. BUTZ
3355 St. Andrews Drive
Chambersburg, PA 17201

VERIHA TRUCKING, INC.
2830 Cleveland Avenue
P.O. Box #456
Marinette, WI 54143

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X Index No.: _____
MIGUEL A. SANTIAGO,

Plaintiff,

-against-

VERIFIED COMPLAINT

BRIAN D. BUTZ and VERIHA TRUCKING, INC.,

Defendants.

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Plaintiff, MIGUEL A. SANTIAGO, by his attorneys LAW OFFICES OF BANILOV & ASSOCIATES, P.C., complaining of the defendants, respectfully alleges, upon information and belief, as follows:

1. That at all times herein mentioned, plaintiff, MIGUEL A. SANTIAGO, was and still is a resident of the County of Bronx, City and State of New York.
2. That at all times herein mentioned, defendant, BRIAN D. BUTZ, was, and still is, a resident of the State of Pennsylvania.
3. That at all times herein mentioned, defendant, VERIHA TRUCKING, INC., was and still is a foreign business corporation, duly organized and existing under and by virtue of the laws of a state other than the State of New York.
4. That at all times herein mentioned, defendant, VERIHA TRUCKING, INC., was and still is a foreign business entity, duly organized and existing under and by virtue of the laws of a state other than the State of New York.
5. That at all times herein mentioned, defendant, VERIHA TRUCKING, INC., was the owner of a certain 2019 Freightliner motor vehicle bearing Wisconsin State registration number 764608.
6. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., was the lessee of the aforesaid motor vehicle bearing Wisconsin State

registration number 764608.

7. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., was the lessor of the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

8. Upon information and belief, that at all times and places hereinafter mentioned, defendant, J VERIHA TRUCKING, INC., maintained the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

9. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., managed the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

10. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., controlled the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

11. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., inspected the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

12. Upon information and belief, that at all times and places hereinafter mentioned, defendant, VERIHA TRUCKING, INC., repaired the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

13. That at all times herein mentioned, defendant, BRIAN D. BUTZ, was the operator of a certain 2019 Freightliner motor vehicle bearing Wisconsin State registration number 764608.

14. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the express permission of defendant, VERIHA TRUCKING, INC.

15. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the express consent of defendant, VERIHA TRUCKING, INC.

16. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the express knowledge of defendant, VERIHA TRUCKING, INC.

17. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the implied permission of defendant, VERIHA TRUCKING, INC.

18. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the implied consent of defendant, VERIHA TRUCKING, INC.

19. That on October 21, 2021, and at all times hereinafter mentioned defendant, BRIAN D. BUTZ, operated the aforementioned motor vehicle with the implied knowledge of defendant, VERIHA TRUCKING, INC.

20. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, was the lessee of the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

21. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, was the lessor of the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

22. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, maintained the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

23. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, managed the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

24. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, controlled the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

25. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, inspected the aforesaid motor vehicle bearing Wisconsin State registration number 764608.

26. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, repaired the aforesaid motor vehicle Wisconsin State registration number 764608.

27. That at all times and places hereinafter mentioned, Willis Avenue, at or near its intersection with East 136th Street, in the County of Bronx, City and State of New York, was and still is a public street/highway in common use of the residents of the City and State of New York and others.

28. That at all times mentioned herein, plaintiff, MIGUEL A. SANTIAGO, was lawfully and properly operating a motor vehicle at the above-mentioned location.

29. Upon information and belief, that at all times and places hereinafter mentioned, defendant, BRIAN D. BUTZ, was responsible for the proper and prudent operation of the aforesaid motor vehicle.

30. That on October 21, 2021, at the aforementioned location, the aforesaid motor vehicle, owned by defendant, VERIHA TRUCKING, INC. and operated by defendant, BRIAN D. BUTZ, struck the motor vehicle, owned and operated by plaintiff, MIGUEL A. SANTIAGO.

31. That on October 21, 2021, at approximately 4:00 AM, at the aforementioned location, the aforesaid motor vehicle, owned by defendant, VERIHA TRUCKING, INC. and operated by

defendant, BRIAN D. BUTZ, came into contact with the motor vehicle, owned and operated by plaintiff, MIGUEL A. SANTIAGO.

32. That as a result thereof, the plaintiff, MIGUEL A. SANTIAGO, was caused to sustain severe and serious injuries.

33. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the defendants.

34. That defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid motor vehicle and the defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

35. That as a result of the aforesaid occurrence, the plaintiff, was rendered sick, sore, lame and disabled and has remained so since the said occurrence. The plaintiff, MIGUEL A. SANTIAGO, continues to suffer mental anguish and great physical pain. He has been compelled to undergo medical aid, treatment and attention and expend money and incur obligations for physicians' services, medical and hospital expenses for the care and treatment of his injuries; and upon information and belief, he will be compelled to expend additional sums of money and incur further obligations in the future for additional physicians' services, medical and hospital expenses for the further care and treatment of his injuries. Plaintiff, MIGUEL A. SANTIAGO, has been incapacitated from attending to his usual duties, functions, occupations, vocations and avocations, and in other ways he was damaged, and upon information and belief may be so incapacitated in the future and will suffer pecuniary losses.

36. That by reason of the foregoing, plaintiff, MIGUEL A. SANTIAGO, sustained a serious injury as defined by New York State Insurance Law Section 5102(d).

37. That by reason of the foregoing, plaintiff sustained serious injuries and economic loss greater than basic economic loss as defined by Section 5104 of the New York State Insurance Law.


38. That plaintiff, MIGUEL A. SANTIAGO, is not seeking to recover any damages for which plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse plaintiff. Plaintiff is seeking only to recover those damages not recoverable through no-fault insurance under the facts and circumstances of this action.

39. The amount of damages sought in this action by plaintiff, MIGUEL A. SANTIAGO, exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction. The total sum claimed for damages is the sum of TEN MILLION DOLLARS (\$10,000,000.00)

WHEREFORE, the plaintiff, MIGUEL A. SANTIAGO, demands judgment against the defendants, BRIAN D. BUTZ and VERIHA TRUCKING, INC., in an amount which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action: together with the interest, costs and disbursements.

Dated: Brooklyn, New York
May 25, 2022

Yours, etc.,



Nick Banilov, Esq.
BANILOV & ASSOCIATES, P.C.
Attorneys for Plaintiff
2566 86th Street, Suite 3
Brooklyn, New York 11214
(718) 333-1002
File No.: 18696

STATE OF NEW YORK)
)ss.:
COUNTY OF KINGS)

The undersigned, NICK BANILOV, ESQ., an attorney at law, admitted to practice law in the Courts of the State of New York, affirms the following under the penalties of perjury:

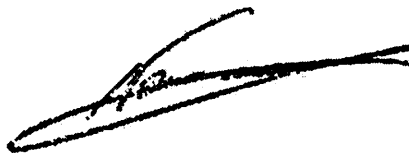
That he is a PRINCIPAL of the firm of LAW OFFICES OF BANILOV & ASSOCIATES, P.C., attorneys for Plaintiff in the above-entitled action.

That he has read the foregoing **SUMMONS and COMPLAINT** and knows the contents thereof, and upon information and belief, deponent believes that matters alleged therein to be true.

The reason this Verification is made by deponent and not by Plaintiff is because Plaintiff is individual and resides in another county from where affirmant maintains his office.

The source of deponent's information and the ground of his belief are communications, paper, reports and investigations contained in the file.

Dated: Brooklyn, New York
May 25, 2022



Nick Banilov, Esq.

Index No.: _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

MIGUEL A. SANTIAGO,

Plaintiff,

-against -

BRIAN D. BUTZ and VERIHA TRUCKING, INC.,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

LAW OFFICES OF BANILOV & ASSOCIATES, P.C.

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